

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-919550-D2 AND ALL
OTHER SEAMAN DOCUMENTS

Issued to: Charles Junior Pascoe

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1665

Charles Junior Pascoe

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 16 March 1967, an Examiner of the United States Coast Guard at New Orleans, La., suspended Appellant's seaman documents for six months outright upon finding him guilty of misconduct. The specification found proved alleges that while serving as an able seaman on board the United States SS DICK LYKES under authority of the document above described, on or about 26 October 1966, Appellant did wrongfully assault and batter a fellow crewmember.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence entries from the ship's shipping articles and its official Logbook; the testimony of the ship's master; a deposition taken from a crewmember; and, by stipulation with Appellant, the written statements of two other crewmembers.

Appellant offered no evidence in his defense.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specification had been proved. The Examiner then served a written order on Appellant suspending all documents issued to Appellant for a period of six months outright.

The entire decision was served on 29 March 1967. Appeal was timely filed on 10 April 1967.

FINDINGS OF FACT

On 26 October 1967, Appellant was serving as an able seaman on board the United States SS DICK LYKES and acting under authority of his document while the ship was in the port of Liverpool, England. At about 2200 hours on this date, Appellant had an altercation with a fellow crewmember in the messroom. This resulted in Appellant

kicking the fellow crewmember in the head while such crewmember was on the messroom deck.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that his order is excessive.

APPEARANCE: Albert s. Dittmann, Attorney at Law, New Orleans, La.

OPINION

The term of suspension imposed in the Examiner's order is the average suspension specified in the table of average orders for the type of offense here involved. 46 CFR 137.20-165. Inasmuch as no reasons are given as to why this average term of suspension should not be imposed here, I must conclude that the Examiner's order should be affirmed.

ORDER

The order of the Examiner dated at New Orleans, La., on 16 March 1967, is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 23rd day of October 1967.

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Order of Examiner

commensurate with offense